

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1048 of 1998

in

MISC.CIVIL APPLICATION No 1525 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and
MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

STATE OF GUJARAT

Versus

DARSHANBHAI HEMANTBHAI PATEL

Appearance:

MR.PRASHANT DESAI, GOVERNMENT PLEADER for Appellants
MS PJ DAVAWALA for Respondent No. 1

CORAM : MR.JUSTICE C.K.THAKKER and
MR.JUSTICE A.M.KAPADIA

Date of decision: 16/09/98

ORAL JUDGEMENT

#. Admitted. Mr. Akshay Mehta instructed by the

Ms.P.J.Dawawala, learned counsel for the respondent appears and waives of service of notice of admission. In the facts and circumstances of the case, this matter is taken for final hearing today.

#. With consent of parties, the order passed by the learned Single Judge is set aside. At the request of the learned counsel for the respondent - original petitioner, reasons in support of our judgment are not recorded. Mr.Mehta, however, prayed that if disposal of criminal case No.493 of 1998 pending in the Court of Metropolitan Magistrate Court No.13 will take long time, it would cause serious prejudice and immense hardship to respondent, particularly, in view of the fact that the order passed by the learned Single Judge granting recalibration is set aside. He, therefore, prayed that an appropriate direction may be issued to the Metropolitan Magistrate to dispose criminal case No.493 of 1998 pending in his Court in about a month.

#. In the instant case, we are mindful of the fact that the petitioner has invoked jurisdiction of this Court under Article 226 of the Constitution of India and against the order passed by the learned Single Judge, LPA is filed. In special facts and circumstances of the case, however that the order of the learned Single Judge is set aside, with consent of the original petitioner, we consider it appropriate to give direction to the Metropolitan Magistrate to give priority to criminal case No.493 of 1998 pending in his Court so that it can be disposed of expeditiously. The learned Metropolitan Magistrate will dispose of criminal case as expeditiously as possible preferably before 30th November,1998.

#. We are also told by the learned Government Pleader Mr.Desai that similar other matters are pending which are of 1995 and in those cases also petrol pumps are sealed. In view of the fact that the relief is granted in favour of the petitioner, we may also observe that the Court concerned, will take into account this fact and will give due priority to such cases.

#. In the facts and circumstances of the case, LPA is disposed of accordingly. No order as to costs. Liberty to apply in case of difficulty.

(C.K.Thakkar,J.)

Date : 16-9-1998 (A.M.Kapadia,J.)

(KPP)